

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Clarence Burnett Jenkins, Jr.,

PLAINTIFF

v.

Amazon.com DEDC, LLC; American
Zurich Insurance Co.,

DEFENDANTS.

Case No. 3:21-cv-3734-TLW

Order

Plaintiff Clarence Burnett Jenkins, Jr., (“Plaintiff”), proceeding *pro se*, brings this employment action. Specifically, Plaintiff seeks damages from Amazon and its third-party insurer, Defendant American Zurich Insurance Co., for violations of Title VII of the Civil Rights Act of 1964 (“Title VII”) and the Americans with Disabilities Act (“ADA”). The matter now comes before the Court for review of the Report and Recommendation (Report) filed by the magistrate judge to whom this case was assigned. ECF No. 12. In the R&R, the magistrate judge recommends that the Complaint be summarily dismissed without prejudice for failure to state a Title VII or ADA claim upon which relief can be granted. Plaintiff filed objections to the R&R, but his objections do not address the substance of the Report nor provide a basis for relief. ECF No. 15. This matter is now ripe for decision. In reviewing the Report, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make

a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Hous. Auth. of City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in *Wallace*, the Court has reviewed, *de novo*, the Report and the objections. The magistrate judge has outlined in detail in the Report the legal, factual, and procedural reasons for dismissal. As stated by the magistrate judge in the Report, “Plaintiff fails to provide any facts that would plausibly show that the Defendants discriminated against Plaintiff on the basis of any of the characteristics protected by Title VII or the ADA.” ECF No. 12 at 3. The magistrate further notes that “Plaintiff provides no facts to explain how the named defendants violated his rights under Title VII or the ADA by their own actions” and that Plaintiff furthermore “fails to show that he was discriminated against on the basis of a characteristic protected by Title VII or the ADA.” *Id.* at 3-4. Notably, the magistrate judge also addresses that Plaintiff filed his EEOC charge more than six years after the last possible date of alleged discrimination, which the EEOC found to be untimely. *Id.* at 4.

After careful review of the Report and the objections, for the reasons stated by the magistrate judge, the Report is **ACCEPTED**. Plaintiff's objections are **OVERRULED**. His Complaint is hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Senior United States District Judge

July 15, 2022
Columbia, South Carolina